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22 **UNITED STATES DISTRICT COURT**

23 **DISTRICT OF NEVADA**

24 BONANZA BEVERAGE CO. a Nevada
25 corporation,

26 Plaintiff,

27 vs.

28 MILLERCOORS LLC, a Delaware limited
liability company,

29 Defendants.

CASE NO. 2:18-CV-01445-JAD-GWF

**STIPULATION TO EXTEND
SCHEDULING ORDER DEADLINES
(First Request)**

30 The parties respectfully submit the following stipulation requesting a one hundred and
31 twenty (120) day extension of the current scheduling order deadlines.

32 **II. DISCOVERY STATUS.**

33 A. Discovery that has been completed.

34 1. The parties served their initial disclosures on September 24, 2018.
35 2. Bonanza served its first set of discovery requests on September 28, 2018.
36 3. MillerCoors served its first set of discovery requests on October 19, 2018.

4. MillerCoors served its responses to Plaintiff's first set of discovery requests on October 29, 2018, and supplemented those responses on November 19, 2018.
5. Bonanza served its responses to MillerCoors' first set of discovery requests on November 19, 2018.
6. The parties served their expert disclosures on December 14, 2018.

B. Discovery that remains.

7 The parties have indicated that each side may take up to ten depositions of certain
8 individuals listed in their respective initial disclosures, as well as depositions of experts and
9 rebuttal experts. The parties have held off on conducting depositions pending resolution of the
10 discovery disputes brought to the Court (ECF Nos. 57, 61, and 79) and additional discovery
11 disputes that have arisen that will require judicial resolution. Additionally, the parties will likely
12 issue follow-up written discovery.

C. Pending Motions.

14 1. Bonanza’s Motion for Preliminary Injunction is currently pending before
15 this Court. Bonanza filed its Motion on August 7, 2018 (ECF No. 6); MillerCoors filed its
16 Opposition on August 21, 2018 (ECF No. 15); and Bonanza replied on August 28, 2018. (ECF No.
17 30). This Court held a hearing on September 7, 2018, during which it ordered supplemental
18 briefing. Bonanza filed its supplement on September 21, 2018 (ECF No. 46) and MillerCoors filed
19 its supplement on October 5, 2018. (ECF No. 51). The Court has not yet ruled on the Motion.

20 2. MillerCoors' Motion to Dismiss Bonanza's Complaint is currently pending
21 before this Court. MillerCoors filed its Motion on August 16, 2018 (ECF No. 13); Bonanza filed an
22 Opposition on August 30, 2018 (ECF No. 36); and MillerCoors replied on September 6, 2018.
23 (ECF No. 41).

24 3. Bonanza's Motion for Declaratory Relief/Summary Judgment on Bonanza's
25 First Claim for Relief is currently pending before this Court. Bonanza filed its Motion on
26 September 21, 2018 (ECF No. 47); MillerCoors filed its Opposition on October 12, 2018 (ECF No.
27 55); and Bonanza replied on October 17, 2018. (ECF No. 56). The Court has not yet ruled on the
28 Motion.

1 4. Bonanza's Motion to Compel Third-Party Breakthru Beverage Co. to
 2 Comply with Subpoena and for Attorneys' Fees and Costs (ECF No. 57) as well as NonParty
 3 Breakthru Beverage Nevada Beer, LLC's Motion to Quash Subpoena to Breakthru Beverage
 4 Nevada Beer, LLC (ECF No. 61) are currently pending before this Court. Bonanza filed its Motion
 5 on October 24, 2018 (ECF No. 57); Breakthru filed its Response (ECF No. 74) was filed on
 6 November 7, 2018; and Bonanza filed its Reply (ECF No. 76) on November 14, 2018.
 7 Correspondingly, Breakthru filed its Motion (ECF No. 61) on October 25, 2018; Bonanza filed its
 8 Opposition (ECF No. 75) on November 8, 2018; and Breakthru filed its Reply (ECF No. 77) on
 9 November 15, 2018. The Court heard oral argument on both motions on December 3, 2018. The
 10 Court has not yet ruled on these Motions.

11 5. Bonanza's Motion to Compel MillerCoors to Comply with First Set of
 12 Written Discovery is currently pending before this Court. Bonanza filed its Motion (ECF No. 79)
 13 on November 15, 2018; MillerCoors filed its Response (ECF No. 83) on November 29, 2018; and
 14 Bonanza filed its Reply (ECF No. 85) on December 6, 2018. No oral argument has been set by the
 15 Court, and the Court has not yet ruled on this Motion.

16 **III. REASON WHY EXTENSION IS REQUIRED.**

17 The parties have met and conferred, and they believe an extension of one hundred twenty
 18 (120) days is warranted so the parties can complete discovery. There are several pending motions
 19 related to discovery currently before the Court, and MillerCoors anticipates filing additional
 20 discovery-related motions in the near future (directed at Bonanza and one or more third parties,
 21 including Southern Glazer's Wine and Spirits ("Southern Glazer's")), and resolution of these
 22 motions are needed prior to the parties taking depositions and proceeding with additional
 23 discovery. If the Court compels production of documents by MillerCoors, Bonanza, Breakthru
 24 Beverage, or Southern Glazer's, the parties may have additional follow-up discovery and
 25 depositions based upon these productions. Correspondingly, the parties have held off on the
 26 depositions so that they do not need to be reopened following the resolution of the discovery
 27 disputes.

28 / / /

1 Moreover, the Court's ruling on the pending non-discovery related motions (*e.g.*, ECF
 2 Nos. 6 and 47) will also impact the parties' remaining discovery needs. Thus, an extension is
 3 warranted to allow the Court to rule on the pending motions. The parties believe an extension of
 4 one hundred twenty (120) days will allow enough time for resolution of these discovery motions
 5 enabling the completion of discovery.

6 **IV. PROPOSED SCHEDULE.**

- 7 1. Discovery Cut-off Date. The parties agree that discovery will be extended one hundred
 twenty (120) days from February 12, 2019, to **Wednesday, June 12, 2019**.
- 8 2. Experts.
 - 9 a. Initial Experts: The parties exchanged initial expert disclosures on December
 14, 2018.
 - 10 b. Rebuttal Experts: The parties agree that the deadline for rebuttal expert
 disclosures will be extended from January 14, 2019, to **Friday, March 29,**
 2019.
- 11 3. Amending the Pleadings and Adding Parties. The deadline for amending pleadings and
 adding parties passed on December 14, 2018.
- 12 4. Interim Status Report. The parties filed their joint interim status report on December
 14, 2018.
- 13 5. Dispositive Motions. The parties shall have until **Friday, July 12, 2019**, to file
 dispositive motions, which is thirty (30) days after the discovery cut-off date.
- 14 6. Pretrial Order. The pretrial order shall be filed by **Monday, August 12, 2019**, which is
 thirty (30) days after the date set for filing dispositive motions in the case. In the event
 a timely dispositive motion is filed, the deadline to submit the pretrial order shall be
 suspended until thirty days after a decision on such motion.

15 The parties believe that the one hundred twenty (120) day extension is necessary and
 16 appropriate given the pending discovery and non-discovery motions before this Court, while still
 17 providing sufficient time for the parties to complete their discovery.

18 // /

1 DATED this 21st day of December, 2018.

2 LEWIS ROCA ROTHGERBER CHRISTIE LLP

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4 /s/ E. Leif Reid

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13
14
15 **ORDER**

16 **IT IS SO ORDERED:**



17
18 UNITED STATES MAGISTRATE JUDGE

19 DATED: 12-26-2018